

SECOND REGULAR SESSION

# HOUSE BILL NO. 1700

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SCHAD (Sponsor) AND TILLEY (Co-sponsor).

5002L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 43.650, 589.400, 589.402, 589.403, 589.405, 589.407, 589.410, and 589.414, RSMo, and to enact in lieu thereof fifteen new sections relating to sex offender registration and classification, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 43.650, 589.400, 589.402, 589.403, 589.405, 589.407, 589.410, and  
2 589.414, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as  
3 sections 43.650, 589.400, 589.402, 589.403, 589.404, 589.405, 589.406, 589.407, 589.409,  
4 589.410, 589.414, 1, 2, 3, and 4, to read as follows:

43.650. 1. The patrol shall, subject to appropriation, maintain a [web page] **website** on  
2 the internet which shall be open to the public and shall include a registered sexual offender  
3 search capability. **This website shall only include the names and information for Final Level**  
4 **III offenders and Level IV offenders. Level I, II, and Temporary Level III offenders'**  
5 **names and information shall not be included on this public website but the patrol shall**  
6 **maintain a separate registry for Level I, II, and Temporary Level III offenders to which**  
7 **only law enforcement agencies shall have access.**

8 2. **Except as provided in subsections 5, 6, and 7 of this section,** the registered sexual  
9 offender search shall make it possible for any person using the Internet to search for and find the  
10 information specified in subsection 4 of this section, if known, on offenders registered in this  
11 state pursuant to sections 589.400 to 589.425[, except that only persons who have been convicted  
12 of, found guilty of or plead guilty to committing, attempting to commit, or conspiring to commit  
13 sexual offenses shall be included on this website].

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14           3. The registered sexual offender search shall include the capability to search for sexual  
15 offenders by name, zip code, and by typing in an address and specifying a search within a certain  
16 number of miles radius from that address.

17           4. Only the information listed in this subsection shall be provided to the public in the  
18 registered sexual offender search:

19           (1) The name and any known aliases of the offender;

20           (2) The date of birth and any known alias dates of birth of the offender;

21           (3) A physical description of the offender;

22           (4) The residence[, temporary, work, and school addresses] **address** of the offender,  
23 including the street address, city, county, state, and zip code;

24           (5) [Any photographs of the offender] **A current photograph of the individual, which**  
25 **shall be taken by the registering official;**

26           (6) [A physical description of the offender's vehicles, including the year, make, model,  
27 color, and license plate number;

28           (7)] The nature and dates of all offenses qualifying the offender to register **including the**  
29 **classification level assigned to the offender under the provisions of sections 589.400 to**  
30 **589.425;**

31           [(8)] (7) The date on which the offender was released from the department of mental  
32 health, prison, or jail, or placed on parole, supervised release, or probation for the offenses  
33 qualifying the offender to register;

34           [(9)] (8) Compliance status of the offender with the provisions of section 589.400 to  
35 589.425; and

36           [(10)] (9) Any online identifiers, as defined in section 43.651, used by the person. Such  
37 online identifiers shall not be included in the general profile of an offender on the webpage and  
38 shall only be available to a member of the public by a search using the specific online identifier  
39 to determine if a match exists with a registered offender; **and**

40           (10) **The status of the offender's term of incarceration, probation, or parole.**

41           **5. Although required to register under the provisions of sections 589.400 to 589.425,**  
42 **offenders committing felonious restraint of a nonsexual nature when the victim was under**  
43 **the age of eighteen under section 565.120 or kidnapping of a nonsexual nature when the**  
44 **victim was under the age of eighteen under section 565.110 are exempt from the public**  
45 **notification requirements of this section if:**

46           (1) **There is no other offense for which the offender is required to register;**

47           (2) **The offender is not a repeat offender as a result of multiple adjudications for**  
48 **the offenses listed in this subsection; and**

49           **(3) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual**  
50 **conduct occurred during the offense.**

51           **6. Witnesses afforded federal protection who are required to register under the**  
52 **provisions of sections 589.400 to 589.425 shall be excluded from the website under 18**  
53 **U.S.C. Section 3521 et seq., while under active federal protection.**

54           **7. Juveniles required to register under section 589.400 shall be excluded from the**  
55 **website.**

589.400. 1. Sections 589.400 to 589.425 shall apply to:

2           (1) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found  
3 guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring  
4 to commit a felony offense of chapter 566, including sexual trafficking of a child and sexual  
5 trafficking of a child under the age of twelve, or any offense of chapter 566 where the victim is  
6 a minor, unless such person is [exempted] **exempt** from registering under subsection 6, 8, or 10  
7 of this section; or

8           (2) Any person who, since July 1, 1979, has been or is hereafter convicted of, been found  
9 guilty of, or pled guilty or nolo contendere to committing, attempting to commit, or conspiring  
10 to commit one or more of the following offenses: kidnapping when the victim was a child and  
11 the defendant was not a parent or guardian of the child; abuse of a child under section 568.060  
12 when such abuse is sexual in nature; felonious restraint when the victim was a child and the  
13 defendant is not a parent or guardian of the child; sexual contact or sexual intercourse with a  
14 resident of a nursing home, under section 565.200; endangering the welfare of a child under  
15 section 568.045 when the endangerment is sexual in nature; genital mutilation of a female child,  
16 under section 568.065; promoting prostitution in the first degree; promoting prostitution in the  
17 second degree; promoting prostitution in the third degree; sexual exploitation of a minor;  
18 promoting child pornography in the first degree; promoting child pornography in the second  
19 degree; possession of child pornography; furnishing pornographic material to minors; public  
20 display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity  
21 in the first degree; promoting pornography for minors or obscenity in the second degree; incest;  
22 use of a child in a sexual performance; or promoting sexual performance by a child; or

23           (3) Any person who, since July 1, 1979, has been committed to the department of mental  
24 health as a criminal sexual psychopath; or

25           (4) Any person who, since July 1, 1979, has been found not guilty as a result of mental  
26 disease or defect of any offense listed in subdivision (1) or (2) of this subsection; or

27           (5) Any juvenile certified as an adult and transferred to a court of general jurisdiction  
28 who has been convicted of, found guilty of, or has pleaded guilty or nolo contendere to  
29 committing, attempting to commit, or conspiring to commit a felony under chapter 566 which

30 is equal to or more severe than aggravated sexual abuse under 18 U.S.C. Section 2241, which  
31 shall include any attempt or conspiracy to commit such offense; **or**

32 (6) Any juvenile fourteen years of age or older at the time of the offense who has been  
33 adjudicated for an offense which is equal to or more severe than aggravated sexual abuse under  
34 18 U.S.C. Section 2241, which shall include any attempt or conspiracy to commit such offense;  
35 **or**

36 (7) Any person who is a resident of this state who has, since July 1, 1979, or is hereafter  
37 convicted of, been found guilty of, or pled guilty to or nolo contendere in any other state,  
38 **territory, or the District of Columbia**, or foreign country, or under federal, tribal, or military  
39 jurisdiction to committing, attempting to commit, or conspiring to commit an offense which, if  
40 committed in this state, would be a violation of chapter 566, or a felony violation of any offense  
41 listed in subdivision (2) of this subsection or has been or is required to register in another state,  
42 **territory, the District of Columbia, or foreign country**, or has been or is required to register  
43 under tribal, federal, or military law; or

44 (8) Any person who has been or is required to register in another state, **territory, the**  
45 **District of Columbia, or foreign country**, or has been or is required to register under tribal,  
46 federal, or military law and who works or attends an educational institution, whether public or  
47 private in nature, including any secondary school, trade school, professional school, or institution  
48 of higher education on a full-time or on a part-time basis or has a temporary residence in  
49 Missouri. "Part-time" in this subdivision means for more than seven days in any twelve-month  
50 period.

51 2. Any person to whom sections 589.400 to 589.425 apply shall, within [three] **five**  
52 **business** days of [conviction] **adjudication**, release from incarceration, or placement upon  
53 probation, register with the chief law enforcement official of the county or city not within a  
54 county in which such person resides unless such person has already registered in that county for  
55 the same offense. **For any juvenile described in subdivision (6) of subsection 1 of this**  
56 **section, within five business days of adjudication or release from commitment to the**  
57 **division of youth services, the department of mental health, or other placement, he or she**  
58 **shall register with the chief law enforcement official of the county or city not within a**  
59 **county in which such person resides unless such person has already registered in that**  
60 **county for the same offense.** Any person to whom sections 589.400 to 589.425 apply if not  
61 currently registered in their county of residence shall register with the chief law enforcement  
62 official of such county or city not within a county within [three] **five business** days. The chief  
63 law enforcement official shall forward a copy of the registration form required by section  
64 589.407 to a city, town, village, or campus law enforcement agency located within the county  
65 of the chief law enforcement official[, if so requested. Such request may ask the chief law

66 enforcement official to forward copies of all registration forms filed with such official. The chief  
67 law enforcement official may forward a copy of such registration form to any city, town, village,  
68 or campus law enforcement agency, if so requested].

69 3. The registration requirements of sections 589.400 through 589.425 are lifetime  
70 registration requirements unless:

71 (1) All offenses requiring registration are reversed, vacated or set aside;

72 (2) The registrant is pardoned of the offenses requiring registration **in the state of**  
73 **Missouri, or if not in Missouri, pardoned in another state, territory, the District of**  
74 **Columbia, or foreign country and the pardon explicitly states that the person is relieved**  
75 **of his or her duty to register as a sexual offender;**

76 (3) The registrant is **exempt or is** no longer required to register [and his or her name  
77 shall be removed from the registry] under the provisions of subsection 6, **8, or 10** this section;  
78 or

79 (4) The [registrant may petition the court for removal or exemption from the registry  
80 under subsection 7 or 8 of this section and the] court orders the removal [or exemption] of such  
81 person from the registry **under subsection 7, 9, or 10 of this section or section 589.409.**

82 4. For processing an initial sex offender registration the chief law enforcement officer  
83 of the county or city not within a county may charge the offender registering a fee of up to ten  
84 dollars. **For classifying a registering sex offender the chief law enforcement officer of the**  
85 **county or city not within a county may charge the offender a fee up to twenty dollars.**

86 5. For processing any change in registration required pursuant to section 589.414 the  
87 chief law enforcement official of the county or city not within a county may charge the person  
88 changing their registration a fee of five dollars for each change made after the initial registration.

89 6. **Any person who has been convicted of, found guilty of, or pleaded guilty or nolo**  
90 **contendere to committing, attempting to commit, or conspiring to commit:**

91 (1) **Felonious restraint of a nonsexual nature when the victim was a child and he**  
92 **or she was the parent or guardian of the child; or**

93 (2) **Nonsexual child abuse that was committed under section 568.060; or**

94 (3) **Kidnapping of a nonsexual nature when the victim was a child and he or she**  
95 **was the parent or guardian of the child,**

96

97 **shall be exempt from registering as a sexual offender, however, such person shall remain**  
98 **on the sexual offender registry for any other offense for which he or she is required to**  
99 **register under sections 589.400 to 589.425.**

100 7. Any person currently on the sexual offender registry **or who otherwise would be**  
101 **required to register** for [being convicted of, found guilty of, or pleading guilty or nolo

102 contendere to committing, attempting to commit, or conspiring to commit, felonious restraint  
103 when the victim was a child and he or she was the parent or guardian of the child, nonsexual  
104 child abuse that was committed under section 568.060, or kidnapping when the victim was a  
105 child and he or she was the parent or guardian of the child] **any offense listed in subsection 6  
106 of this section** shall be removed from the registry. However, such person shall remain on the  
107 sexual offender registry for any other offense for which he or she is required to register under  
108 sections 589.400 to 589.425.

109 **8. Any person who has been convicted of, found guilty of, or pleaded guilty or nolo**  
110 **contendere to committing, attempting to commit, or conspiring to commit:**

111 **(1) A sexual offense involving sexual conduct where no force or threat of force was**  
112 **directed toward the victim and:**

113 **(a) The victim was an adult, unless the adult was under the custodial authority of**  
114 **the offender at the time of the offense; or**

115 **(b) The victim was eighteen years of age or younger and the offender was not more**  
116 **than five years older than the victim at the time of the commission of the offense; or**

117 **(2) Sexual misconduct in the second degree under section 566.093; or**

118 **(3) Sexual misconduct in the third degree under section 566.095; or**

119 **(4) Promoting obscenity in the first degree under section 573.020; or**

120 **(5) Promoting obscenity in the second degree under section 573.030; or**

121 **(6) Furnishing pornographic materials to minors under section 573.040; or**

122 **(7) Public display of explicit sexual material under section 573.060; or**

123 **(8) Coercing acceptance of obscene material under section 573.065,**

124  
125 **shall be exempt from registering as a sexual offender; however, such person shall remain**  
126 **on the sexual offender registry for any other offense for which he or she is required to**  
127 **register under sections 589.400 to 589.425.**

128 **[7.] 9. Any person currently on the sexual offender registry or who otherwise would be**  
129 **required to register** for [having been convicted of, found guilty of, or having pleaded guilty or  
130 nolo contendere to committing, attempting to commit, or conspiring to commit promoting  
131 prostitution in the second degree, promoting prostitution in the third degree, public display of  
132 explicit sexual material, statutory rape in the second degree, and no physical force or threat of  
133 physical force was used in the commission of the crime may file a petition in the civil division  
134 of the circuit court in the county in which the offender was convicted or found guilty of or pled  
135 guilty or nolo contendere to committing, attempting to commit, or conspiring to commit the  
136 offense or offenses for the removal of his or her name from the sexual offender registry after ten  
137 years have passed from the date he or she was required to register] **any offense listed in**

**subsection 8 of this section shall be removed from the registry. However, such person shall remain on the sexual offender registry for any other offense for which he or she is required to register under sections 589.400 to 589.425.**

[8.] **10.** Effective August 28, 2009, any person on the sexual offender registry for having been convicted of, found guilty of, or having pled guilty or nolo contendere to an offense included under subsection 1 of this section may file a petition after two years have passed from the date the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses in the civil division of the circuit court in the county in which the offender was convicted or found guilty of or pled guilty or nolo contendere to the offense or offenses for removal of his or her name from the registry if such person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no physical force or threat of physical force was used in the commission of the offense, unless such person meets the qualifications of this subsection, and such person was eighteen years of age or younger at the time of the offense, and is convicted or found guilty of or pleads guilty or nolo contendere to a violation of section 566.068, 566.090, 566.093, or 566.095 when such offense is a misdemeanor, in which case, such person may immediately file a petition to remove or exempt his or her name from the registry upon his or her conviction or finding or pleading of guilty or nolo contendere to such offense.

[9.] **11.** (1) The court may grant such relief under subsection [7 or 8] **9 or 10** of this section if such person demonstrates to the court that he or she has complied with the provisions of this section and is not a current or potential threat to public safety. The prosecuting attorney in the circuit court in which the petition is filed must be given notice, by the person seeking removal or exemption from the registry, of the petition to present evidence in opposition to the requested relief or may otherwise demonstrate the reasons why the petition should be denied. Failure of the person seeking removal or exemption from the registry to notify the prosecuting attorney of the petition shall result in an automatic denial of such person's petition. If the prosecuting attorney is notified of the petition he or she shall make reasonable efforts to notify the victim of the crime for which the person was required to register of the petition and the dates and times of any hearings or other proceedings in connection with that petition.

(2) If the petition is denied, such person shall wait at least twelve months before petitioning the court again. If the court finds that the petitioner is entitled to relief, which removes or exempts such person's name from the registry, a certified copy of the written findings or order shall be forwarded by the court to the chief law enforcement official having jurisdiction over the offender and to the Missouri state highway patrol in order to have such person's name removed or exempted from the registry.

[10.] **12.** Any nonresident worker or nonresident student shall register for the duration of such person's employment or attendance at any school of higher education [and is not entitled to relief under the provisions of subsection 9 of this section]. Any registered offender from another state who has a temporary residence in this state and resides more than seven days in a twelve-month period shall register for the duration of such person's temporary residency [and is not entitled to the provisions of subsection 9 of this section].

[11.] **13.** Any person whose name is removed or **who is** exempted from the sexual offender registry under subsection [7 or 8] **6, 7, 8, 9, or 10** of this section shall [no longer] **not** be required to fulfill the registration requirements of sections 589.400 to 589.425, unless such person is required to register for committing another offense after being removed from the registry.

**14. Individuals that are not currently registered due to being adjudicated of a sexual offense prior to the initial enactment of state or federal sex offender registry legislation shall only be required to register for their original offense if the person is currently incarcerated or under supervision of the Missouri department of corrections for a sexual offense.**

589.402. 1. The chief law enforcement officer of the county or city not within a county may maintain a [web page] **website** on the internet, which shall be open to the public and shall include a registered sexual offender search capability. **This website shall only include the names and information for Final Level III and Level IV offenders. Level I, II, and Temporary Level III offenders' names and information shall not be included on this public website, but the officer may maintain a separate registry for Level I, II, and Temporary Level III offenders to which only the law enforcement agency shall have access.**

2. **Except as provided by subsections 5, 6, and 7 of this section,** the registered sexual offender search [shall] **may** make it possible for any person using the Internet to search for and find the information specified in subsection 3 of this section, if known, on **Final Level III and Level IV** offenders registered in this state pursuant to sections 589.400 to 589.425[, except that only persons who have been convicted of, found guilty of, or plead guilty to committing, attempting to commit, or conspiring to commit sexual offenses shall be included on this website].

3. Only the information listed in this subsection [shall] **may** be provided to the public in the registered sexual offender search:

- (1) The name and any known aliases of the offender;
- (2) The date of birth and any known alias dates of birth of the offender;
- (3) A physical description of the offender;



20 (4) The residence[, temporary, work, and school addresses] **address** of the offender,  
21 including the street address, city, county, state, and zip code;

22 (5) [Any photographs of the offender] **A current photograph of the individual, which**  
23 **shall be taken by the registering official;**

24 (6) [A physical description of the offender's vehicles, including the year, make, model,  
25 color, and license plate number;

26 (7)] The nature and dates of all offenses qualifying the offender to register, **including**  
27 **the classification level assigned to the offender under the provisions of sections 589.400 to**  
28 **589.425;**

29 [(8)] (7) The date on which the offender was released from the department of mental  
30 health, prison, or jail, or placed on parole, supervised release, or probation for the offenses  
31 qualifying the offender to register;

32 [(9)] (8) Compliance status of the offender with the provisions of sections 589.400 to  
33 589.425; [and]

34 [(10)] (9) Any online identifiers, as defined in section 43.651, used by the person. Such  
35 online identifiers shall not be included in the general profile of an offender on the webpage and  
36 shall only be available to a member of the public by a search using the specific online identifier  
37 to determine if a match exists with a registered offender; **and**

38 **(10) The status of the offender's term of incarceration, probation, or parole.**

39 4. The chief law enforcement officer of any county or city not within a county may  
40 [publish in any newspaper distributed in the county or city not within a county the sexual  
41 offender information provided under subsection 3 of this section for any offender residing in the  
42 county or city not within a county] **give notice to any public school as defined in section**  
43 **160.011, any private school giving instruction in a grade or grades not higher than the**  
44 **twelfth grade, any child care facility that is licensed under chapter 210, or any child care**  
45 **facility as defined in section 210.201 that is exempt from state licensure but subject to state**  
46 **regulation under section 210.252 and holds itself out to be a child care facility, that a Final**  
47 **Level III or Level IV sex offender is residing, working, or attending school within a five**  
48 **mile radius of such school or child care facility. This notice shall only include the sex**  
49 **offender information described in subsection 3 of this section.**

50 **5. Although required to register under the provisions of sections 589.400 to 589.425,**  
51 **offenders committing felonious restraint of a nonsexual nature when the victim was under**  
52 **the age of eighteen under section 565.120 or kidnapping of a nonsexual nature when the**  
53 **victim was under the age of eighteen under section 565.110 are exempt from the public**  
54 **notification requirements of this section if:**

55 **(1) There is no other offense for which the offender is required to register;**

56           **(2) The offender is not a repeat offender as defined in section 589.404; and**

57           **(3) No sexual conduct, attempted sexual conduct, or conspiracy to commit sexual**  
58 **conduct, occurred during the offense.**

59           **6. Witnesses afforded federal protection who are required to register under the**  
60 **provisions of sections 589.400 to 589.425 shall be excluded from the website under 18**  
61 **U.S.C. Section 3521 et seq., while under active federal protection.**

62           **7. Juveniles required to register under section 589.400 shall be excluded from the**  
63 **website.**

          589.403. 1. Any person [to whom subsection 1 of section 589.400 applies] **who is**  
2 **required to register under sections 589.400 to 589.425** who is paroled, discharged, or  
3 otherwise released from any correctional facility of the department of corrections [or] , any  
4 mental health institution, **private jail under section 221.095, or other private facility**  
5 **recognized by or contracted with the department of corrections or department of mental**  
6 **health** where such person was confined shall:

7           **(1) If the person plans to reside in Missouri,** be informed by the official in charge of  
8 such correctional facility or mental health institution of the person's possible duty to register  
9 pursuant to sections 589.400 to 589.425. If such person is required to register pursuant to  
10 sections 589.400 to 589.425, the official in charge of the correctional facility or the mental health  
11 institution shall complete the initial registration **notification at least seven days** prior to release  
12 and forward the offender's registration, within three business days **of release, to the Missouri**  
13 **state highway patrol and** to the chief law enforcement official of the county or city not within  
14 a county where the person expects to reside upon discharge, parole or release[. When the person  
15 lists an address where he or she expects to reside that is not in this state, the initial registration  
16 shall be forwarded to the Missouri state highway patrol.] ; **or**

17           **(2) If the person does not reside or plan to reside in Missouri, be informed by the**  
18 **official in charge of such correctional facility or mental health institution of the person's**  
19 **possible duty to register under sections 589.400 to 589.425. If such person is required to**  
20 **register under sections 589.400 to 589.425, the official in charge of the correctional facility**  
21 **or the mental health institution shall complete the initial registration notification at least**  
22 **seven days prior to release and forward the offender's registration within three business**  
23 **days of release to the Missouri state highway patrol and chief law enforcement official**  
24 **within the county that the correctional facility or mental health institution is located.**

25           **2. If the offender refuses to complete and sign the registration information as**  
26 **outlined in this section or fails to register with the chief law enforcement official within five**  
27 **business days as directed, it shall constitute an offense of failure to register under section**  
28 **589.425.**

**589.404. As used in sections 589.400 to 589.425, the following terms mean:**

- 2 (1) "Absconder", a sex offender who has failed to register and whose whereabouts**  
**3 are unknown;**
- 4 (2) "Adjudication", a plea of guilty, finding of guilt, finding of not guilty due to**  
**5 mental disease or defect, plea of nolo contendere to committing, attempting to commit, or**  
**6 conspiring to commit;**
- 7 (3) "Employee" includes an individual who is self-employed or works for any other**  
**8 entity, whether compensated or not. Employee includes working as a volunteer or unpaid**  
**9 intern;**
- 10 (4) "Habitually lives", when an offender is classified as homeless, the place where**  
**11 the offender habitually lives shall be defined as information about a certain part of a city,**  
**12 town, or county that is the sex offender's habitual locale, a park, or spot on the street, or**  
**13 a number of such places, where the sex offender stations himself or herself during the day**  
**14 or sleeps at night, shelters among which the sex offender circulates, or places in public**  
**15 buildings, restaurants, libraries, or other establishments that the sex offender frequents;**
- 16 (5) "Habitually located", in regard to means of transportation, the place where a**  
**17 vehicle, watercraft, or aircraft is normally located when not in use;**
- 18 (6) "Noncompliant", a sexual offender who has not completed or updated his or her**  
**19 information and is not compliant with the chief law enforcement officer in the county in**  
**20 which they reside;**
- 21 (7) "Offender registration", defines the required minimum informational content**  
**22 of sex offender registries and shall consist of but shall not be limited to, a full set of**  
**23 fingerprints on a standard sex offender registration card upon initial registration in**  
**24 Missouri, as well as all other forms required by the Missouri state highway patrol upon**  
**25 each initial and subsequent registration;**
- 26 (8) "Repeat offender", any person required to register as a sexual offender under**  
**27 sections 589.400 to 589.425 who commits another offense which requires registration, but**  
**28 only when that second offense occurred after the date the offender was required to register**  
**29 for the initial offense;**
- 30 (9) "Residence", any place where an offender sleeps for seven or more consecutive**  
**31 or nonconsecutive days or nights within a twelve-month period;**
- 32 (10) "Sexual act", any type or degree of genital, oral, or anal penetration;**
- 33 (11) "Sexual contact", any sexual touching of or contact with a person's body,**  
**34 either directly or through the clothing;**
- 35 (12) "Sexual element", used for purposes of distinguishing if sexual contact or a**  
**36 sexual act was committed. Authorities shall refer to information filed by the prosecutor,**

37 amended information filed by the prosecutor, indictment information filed by the  
38 prosecutor, or amended indictment information filed by the prosecutor, plea agreement,  
39 or court documentation to determine if a sexual element exists;

40 (13) "Sex offender", any person who is required to register as a sex offender;

41 (14) "Sex offense", any offense for which registration as a sex offender is required;

42 (15) "Signature", the name of the offender signed in writing or electronic form  
43 approved by the Missouri state highway patrol;

44 (16) "Student", an individual who enrolls in or attends the physical location of an  
45 educational institution, including (whether public or private) a secondary school, trade or  
46 professional school, and institutions of higher education;

47 (17) "Vehicle", any land vehicle.

589.405. 1. Any person [to whom subsection 1 of section 589.400 applies] **who is**  
2 **required to register under sections 589.400 to 589.425** who is released on probation,  
3 discharged upon payment of a fine, or released after confinement in a county jail shall, prior to  
4 such release or discharge, be informed of the possible duty to register pursuant to sections  
5 589.400 to 589.425 by the court having jurisdiction over the case. If such person is required to  
6 register pursuant to sections 589.400 to 589.425 **and is placed on probation**, the court shall  
7 [obtain the address where the person expects to reside upon discharge, parole or release and  
8 shall] **make it a condition of probation that the offender** report, within [three] **five** business  
9 days[, such address] to the chief law enforcement official of the county **of adjudication** or city  
10 not within a county [where the person expects to reside, upon discharge, parole or release] **of**  
11 **adjudication, to complete the initial registration. If such offender is not placed on**  
12 **probation the court shall:**

13 (1) If the offender resides in Missouri, complete the initial notification of duty to  
14 register form approved by the state judicial records committee and the Missouri state  
15 highway patrol and forward the form within three business days to the Missouri state  
16 highway patrol and the chief law enforcement official in the county in which the offender  
17 resides;

18 (2) If the offender does not reside in Missouri, the court shall:

19 (a) Order the offender to proceed directly to the chief law enforcement official in  
20 the county where the adjudication was heard to register as outlined in sections 589.400 to  
21 589.425; and

22 (b) Complete the initial notification of duty to register form approved by the state  
23 judicial records committee and the Missouri state highway patrol and forward the form  
24 within three business days to the Missouri state highway patrol and the chief law  
25 enforcement official in the county where the offender was adjudicated.

26           **2. If the offender refuses to complete and sign the registration information as**  
27 **outlined in subdivision (1) of subsection 1 of this section or if the offender resides outside**  
28 **of Missouri and fails to directly report to the chief law enforcement official as outlined in**  
29 **subdivision (2) of subsection 1 of this section, it shall constitute an offense of failure to**  
30 **register under section 589.425.**

**589.406. 1. Beginning January 1, 2013, any person required to register under the**  
2 **provisions of sections 589.400 to 589.425 shall be classified as a Level I, II, III or IV sex**  
3 **offender.**

4           **2. A level IV sex offender is any person who:**

5           **(1) Is required to register under the provisions of sections 589.400 to 589.425 for**  
6 **any of the following offenses or their equivalent in any other state, territory, or the District**  
7 **of Columbia, or foreign country, or under federal, tribal, or military jurisdiction:**

8           **(a) Kidnapping when a sexual offense was committed during the kidnapping or**  
9 **when the kidnapping was committed for the purpose of committing a sexual offense and**  
10 **when the victim was less than eighteen years of age and excluding kidnapping by a parent**  
11 **or guardian under section 565.110;**

12           **(b) Child kidnapping when a sexual offense was committed during the kidnapping**  
13 **or when the kidnapping was committed for the purpose of committing a sexual offense**  
14 **under section 565.115;**

15           **(c) Forcible rape under section 566.030;**

16           **(d) Forcible sodomy under section 566.060;**

17           **(e) Sexual trafficking of a child under section 566.212;**

18           **(f) Sexual trafficking of a child under the age of twelve, under section 566.213;**

19           **(g) Child molestation in the first degree when it is a class A felony under section**  
20 **566.067;**

21           **(2) Has been convicted of, found guilty of, or has pled guilty or nolo contendere to**  
22 **committing the offense of failure to register under section 589.425, or its equivalent in any**  
23 **other state, territory, or the District of Columbia, or foreign country, or under federal,**  
24 **tribal, or military jurisdiction; or**

25           **(3) Is required to register under the provisions of sections 589.400 to 589.425 for**  
26 **more than one offense; or**

27           **(4) Is a predatory or persistent sexual offender as defined in section 558.018.**

28           **3. At the time of registration the chief law enforcement official with whom the**  
29 **offender registers shall make a determination under the provisions of subsection 2 of this**  
30 **section whether such offender is classified a Level IV offender.**

31           **4. If the offender is a Level IV offender, the registering law enforcement official**  
32 **shall record that determination on a classification form which shall be developed and**  
33 **provided by the department of corrections under the provisions of section 2 of this act, by**  
34 **completing and signing the form.**

35           **5. If the offender is not a Level IV offender, the registering law enforcement official**  
36 **shall classify the offender as a Temporary Level III offender and shall record such**  
37 **determination on the classification form.**

38           **6. The registering law enforcement official shall, within three business days of the**  
39 **classification, forward a copy of the classification form by electronic or other means to the**  
40 **Missouri state highway patrol. Such law enforcement official shall also provide a copy of**  
41 **the classification form to the registering offender at the time of registration. The Missouri**  
42 **state highway patrol shall, within three business days of receipt of the classification form,**  
43 **forward a copy of such form to the sex offender classification board.**

44           **7. Any person who has been classified as a Temporary Level III offender who does**  
45 **not believe he or she should be classified as a Level III offender may, within thirty days of**  
46 **registration, file with the sex offender classification board a request for final classification.**  
47 **Such request for final classification shall be made on a request for final classification form**  
48 **which shall be developed by the department of corrections under the provisions of section**  
49 **2 of this act and provided to all registering law enforcement officials who shall in turn**  
50 **provide a copy of such form at the time of registration to any registering sex offender who**  
51 **is classified as a Temporary Level III offender.**

52           **8. An offender files a request for final classification by completing and signing the**  
53 **request for final classification form and delivering it to the sex offender classification board**  
54 **along with a certified check or money order for a risk assessment fee, in an amount to be**  
55 **determined by the department of mental health in cooperation with the department of**  
56 **corrections, within thirty days of registration.**

57           **9. If the sex offender classification board receives a completed request for final**  
58 **classification form and risk assessment fee within the required thirty-day time period, the**  
59 **sex offender classification board shall, in accordance with the provisions of section 4 of this**  
60 **act, evaluate such offender and shall make a determination as to whether such offender**  
61 **shall be finally classified as a Level I, II, or Final Level III offender. The sex offender**  
62 **classification board shall, within three business days of final classification, notify the**  
63 **offender, the registering law enforcement official, and the Missouri state highway patrol**  
64 **of the classification. The notification to the offender shall include notice of his or her**  
65 **reporting requirements according to his or her classification level.**

66           **10. If an offender who has been classified as a Temporary Level III offender fails**  
67 **within the thirty-day time period to file with the sex offender classification board a request**  
68 **for final classification form or to submit the risk assessment fee, the sex offender**  
69 **classification board shall automatically classify such offender as a Final Level III offender**  
70 **and shall within three business days of the classification notify the offender, the registering**  
71 **law enforcement official, and the Missouri state highway patrol of the classification. The**  
72 **notification to the offender shall include notice of his or her reporting requirements as a**  
73 **Final Level III offender.**

74           **11. Any person who prior to January 1, 2013, was required to register under the**  
75 **provisions of sections 589.400 to 589.425 shall be classified by the sex offender classification**  
76 **board created in section 4 of this act in the manner provided under section 4 of this act.**

77           **12. Upon notification from the sex offender classification board that an offender's**  
78 **name and information should be removed from the registry under the provisions of section**  
79 **4 of this act, the Missouri state highway patrol and the registering law enforcement official**  
80 **shall, within three business days of such notification, remove the offenders name and**  
81 **information from their law enforcement registries and from their public websites, if**  
82 **applicable.**

83           **13. Upon notification from the sex offender classification board that an offender**  
84 **has been classified by the board as a certain level offender under the provisions of section**  
85 **4 of this act, the Missouri state highway patrol shall include such offenders name and**  
86 **information on its law enforcement registry and shall include the offenders name and**  
87 **information on its public website if the offender has been classified as a Final Level III**  
88 **offender or a Level IV offender.**

89           **14. Upon notification from the sex offender classification board that an offender**  
90 **has been classified by the board as a certain level offender and under the provisions of**  
91 **section 4 of this act, the registering law enforcement official shall include the offender's**  
92 **name and information on its county registry, if any, and may include the offender's name**  
93 **and information on its public website, if any, if the offender has been classified as a Final**  
94 **Level III or Level IV offender.**

589.407. 1. Any registration pursuant to sections 589.400 to 589.425 shall consist of  
2 completion of an offender registration form developed by the Missouri state highway patrol **or**  
3 **other format approved by the Missouri state highway patrol. Such form will consist of a**  
4 **statement in writing, including the signature of the offender and** shall include, but is not  
5 limited to the following:

6           (1) [A statement in writing signed by the person, giving the name, address, Social  
7 Security number and phone number of the person, the license plate number and vehicle

8 description, including the year, make, model, and color of each vehicle owned or operated by the  
9 offender, any online identifiers, as defined in section 43.651, used by the person, the place of  
10 employment of such person, enrollment within any institutions of higher education, the crime  
11 which requires registration, whether the person was sentenced as a persistent or predatory  
12 offender pursuant to section 558.018, the date, place, and a brief description of such crime, the  
13 date and place of the conviction or plea regarding such crime, the age and gender of the victim  
14 at the time of the offense and whether the person successfully completed the Missouri sexual  
15 offender program pursuant to section 589.040, if applicable;] **The full name of the individual  
16 to include any alias, maiden, nicknames, pseudonym, ethnic or tribal names used,  
17 regardless of the context in which they are used;**

18 **(2) The date of birth of the individual to include any alias date of births used;**

19 **(3) The address of the individual's residence or, if the individual is homeless, the  
20 names and addresses of habitual locales frequented during the day and night to include  
21 any temporary homeless shelter or other temporary residence;**

22 **(4) The name and fixed address of the individual's employers, to include any place  
23 where the individual serves as a volunteer or unpaid intern. If the individual's place of  
24 employment is not fixed, the places where the individual works with whatever definiteness  
25 is possible under the circumstances shall be required, such as information about normal  
26 travel routes or the general areas in which the individual works;**

27 **(5) The name and address of any institutions of higher education that the individual  
28 attends;**

29 **(6) The Social Security number of the individual including any alias Social Security  
30 numbers used;**

31 **(7) The telephone numbers of the individual including all landline and cellular  
32 telephone numbers used;**

33 **(8) The license plate number, registration number, vehicle identification number,  
34 and vehicle description, including the year, make, model, color, and habitual location of  
35 each vehicle owned or operated by the individual for personal or work use;**

36 **(9) Any online identifiers as defined in section 43.651 which are used by the  
37 individual for personal purposes;**

38 **(10) The crime for which the individual is registering including whether the person  
39 was sentenced as a persistent or predatory offender under section 558.018;**

40 **(11) The date, place, a brief description of the crime including the date and place  
41 of the adjudication regarding such crime;**

42 **(12) The age and gender of the victim at the time of the offense;**



(13) If the offender was required to successfully complete the Missouri sexual offender program under section 589.040, or any other sexual offender treatment program, the date that the offender successfully completed the program, or a statement, that as of the date of registration, the offender has not yet successfully completed the required sexual offender treatment program or has failed to successfully complete the required sexual offender treatment program;

(14) The status of the individual's parole, probation, or supervised release, if applicable;

(15) Passport and immigration numbers to include expiration dates; and

(16) The physical description of the sex offender to include the physical appearance or characteristics, and identifying marks such as scars, marks, or tattoos.

**2. The following shall be included with the form:**

[2.] (1) The fingerprints, palm prints, and a photograph of the person; [and]

(2) A current photograph of the individual to be taken by the registering official; and

(3) A DNA sample from the individual, if a sample has not already been obtained.

[2.] **3.** The offender shall provide positive identification and documentation to substantiate the accuracy of the information completed on the offender registration form, including but not limited to the following:

(1) A photocopy of a valid driver's license or nondriver's identification card; and

(2) A document verifying proof of the offender's residency; and

(3) A photocopy of the vehicle registration for each of the offender's vehicles].

**4. The Missouri state highway patrol shall maintain all required registration information in digitized form.**

**5. Upon receipt of any changes to an offender's registration information contained in this section, the Missouri state highway patrol shall immediately notify all other jurisdictions in which the offender is either registered or required to register.**

**6. The offender shall be responsible for reviewing his or her existing registration information for accuracy at every regular in person appearance and if any inaccuracies are found provide proof of the information in question. The registering law enforcement official shall, within three business days of receipt of proof from the offender regarding the inaccuracy, correct the inaccuracy on its law enforcement registry and on its public website, if any, and shall notify the Missouri state highway patrol of the change in information. The Missouri state highway patrol shall, within three business days of notification by the registering law enforcement official, correct the inaccuracy on its law enforcement registry and on its public website.**

79           7. The signed offender registration form shall serve as proof that the individual  
80 understands his or her duty to register as a sexual offender under sections 589.400 to  
81 589.425, and a statement to such effect shall be included on the form that the individual is  
82 required to sign at each registration.

          589.409. 1. Any person who has been classified as a Level I, Level II, Final Level  
2 III, or Level IV offender may file a request with the sex offender classification board to  
3 have his or her name and information removed from the registry.

4           2. The board shall have the authority to evaluate and determine a request for  
5 removal. If the board incurs any costs associated with obtaining any court, probation and  
6 parole, or any other records it deems necessary in order to make a determination, the  
7 board shall charge these costs to the requesting offender by sending notice, in writing, to  
8 the offender of the total amount of the costs. The offender shall have thirty days from the  
9 date on the notice to deliver a certified check or money order to the sex offender  
10 classification board for the total amount of the costs. If the requesting offender fails to pay  
11 the costs within the thirty day time period the sex offender classification board shall  
12 automatically deny the request and shall notify the offender, in writing, of the denial.

13          3. In determining a request for removal, if the sex offender classification board  
14 deems it necessary, the board may require a new sex offender risk assessment report on the  
15 offender. If the board does require a new sex offender risk assessment report, it shall  
16 notify the requesting offender, in writing, that it is requiring another sex offender risk  
17 assessment report and that the requesting offender is required to deliver to the sex offender  
18 classification board, within thirty days of the date of the notice, a certified check or money  
19 order for the risk assessment fee, in an amount to be determined by the department of  
20 mental health in cooperation with the department of corrections. If the sex offender  
21 classification board does not receive the risk assessment fee within the required time period  
22 the board shall automatically deny the request for removal and shall notify the requesting  
23 offender, in writing, of the denial. If the sex offender classification board does receive the  
24 risk assessment fee from the requesting offender within the required time period, the board  
25 shall deposit the fee into the sex offender classification fund and shall handle the risk  
26 assessment in the same manner as other risk assessments are handled at the time of initial  
27 classification of an offender under the provisions of section 4 of this section. If the sex  
28 offender classification board does not receive a successfully completed sex offender risk  
29 assessment report on the requesting offender within the required time period and  
30 determines that it is the fault of the requesting offender, it shall deny the request for  
31 removal and shall notify the requesting offender, in writing, of the denial.

32           **4. A Level I or II offender or a Final Level III offender who has had a successfully**  
33 **completed sex offender risk assessment report filed with the sex offender classification**  
34 **board in the past, files a request for removal by delivering the written request for removal**  
35 **to the sex offender classification board.**

36           **5. A Level IV offender or a Final Level III offender who has not had a successfully**  
37 **completed sex offender risk assessment report filed with the sex offender classification**  
38 **board in the past, files a request for removal by delivering the written request for removal**  
39 **to the sex offender classification board along with a certified check or money order for the**  
40 **risk assessment fee, in an amount to be determined by the department of mental health in**  
41 **cooperation with the department of corrections.**

42           **6. A person classified as a Temporary Level III offender shall not file a request for**  
43 **removal under this section.**

44           **7. The request for removal shall be denied by the sex offender classification board**  
45 **if the following time periods have not elapsed since the date the person was required to**  
46 **register:**

- 47           **(1) For a Level I offender, five years;**  
48           **(2) For a Level II offender, ten years;**  
49           **(3) For a Final Level III offender, fifteen years;**  
50           **(4) For a Level IV offender, twenty years.**

51           **8. The request for removal shall be denied by the sex offender classification board**  
52 **if it fails to include any of the following:**

- 53           **(1) The requesting offender's:**  
54           **(a) Full name;**  
55           **(b) Sex;**  
56           **(c) Race;**  
57           **(d) Date of birth;**  
58           **(e) Last four digits of the Social Security number;**  
59           **(f) Address; and**  
60           **(g) Place of employment, school, or volunteer status;**  
61           **(2) The classification level of the offender;**  
62           **(3) The offense that required the requesting offender to register;**  
63           **(4) The date the requesting offender plead to, was convicted of, or was adjudicated**  
64 **for the offense;**  
65           **(5) The date the requesting offender was required to register;**  
66           **(6) The case number and court, including county, that entered the original order**  
67 **for the adjudicated sex offense;**

68           (7) The requesting offender's fingerprints on an applicant fingerprint card;

69           (8) If the requesting offender was pardoned or an offense requiring registration  
70 was reversed, vacated, or set aside, an authenticated copy of the order;

71           (9) A truthful statement by the requesting offender that he or she is currently  
72 registered under applicable law, has not been adjudicated for failure to register in any  
73 jurisdiction, and does not have any charges pending for failure to register; and

74           (10) If the requesting offender is a Level IV offender or a Final Level III offender  
75 who has not had a successfully completed sex offender risk assessment report filed with the  
76 sex offender classification board in the past, a certified check or money order for the risk  
77 assessment fee required under subsection 5 of this section.

78           9. The requesting offender shall give notice of the filing of his or her request for  
79 removal with the sex offender classification board to the prosecuting attorney in the county  
80 where the offense which required his or her registration was adjudicated, unless the  
81 offense was adjudicated out of state, in which case to the prosecuting attorney in the county  
82 where the requesting offender resides, by delivering a copy of the request for removal to  
83 that prosecutor within five business days of the date the request was filed with the sex  
84 offender classification board. The sex offender classification board shall allow the  
85 prosecuting attorney ninety days from the date the request for removal was filed with the  
86 board to oppose the request for removal or to otherwise demonstrate the reasons why the  
87 request for removal should be denied. Failure of the requesting offender to give notice to  
88 the prosecuting attorney of the request for removal shall result in an automatic denial of  
89 such offender's request for removal.

90           10. The prosecuting attorney to whom notice is given under subsection 9 of this  
91 section shall have access to all applicable records concerning the requesting offender,  
92 including but not limited to, criminal history records, mental health records, juvenile  
93 records, and records of the department of corrections and probation and parole.

94           11. The prosecuting attorney shall make reasonable efforts to notify the victim of  
95 the crime for which the requesting offender was required to register of the request for  
96 removal and the time limit for opposing the request for removal.

97           12. The sex offender classification board shall not grant the requesting offenders  
98 request for removal unless it finds that the requesting offender:

99           (1) Has not been adjudicated for or does not have charges pending for any  
100 additional nonsexual offense for which imprisonment for more than one year may be  
101 imposed since the date that the offender was required to register under sections 589.400  
102 to 589.425;

103           (2) Has not been adjudicated for or does not have charges pending for any  
104 additional sex offense that would require registration under sections 589.400 to 589.425  
105 since the date that the offender was required to register under sections 589.400 to 589.425;

106           (3) Has successfully completed any required periods of supervised release,  
107 probation, or parole without revocation since the date that the offender was required to  
108 register under the provisions of sections 589.400 to 589.425;

109           (4) Has successfully completed an appropriate sex offender treatment program as  
110 approved by a court of jurisdiction or the Missouri department of corrections; and

111           (5) Is not a current or potential threat to public safety.

112           13. In addition to the requirements of subsection 12 of this section, if the requesting  
113 offender is a Final Level III offender who has not had a successfully completed sex offender  
114 risk assessment report filed with the board in the past or is a Level IV offender, the sex  
115 offender classification board shall not grant the requesting offender's request for removal  
116 unless it finds that:

117           (1) The requesting offender has paid the risk assessment fee; and

118           (2) It has received a successfully completed sex offender risk assessment report on  
119 the offender.

120           14. In order to prove the facts required by subdivisions (1) and (2) of subsection 12  
121 of this section, the fingerprints filed with the sex offender classification board shall be  
122 examined by the Missouri state highway patrol.

123           15. The sex offender classification board may deny the request for removal for any  
124 legitimate justification.

125           16. If the sex offender classification board determines that the requesting offender  
126 is not entitled to removal from the registry, it shall, within three business days, notify the  
127 offender, in writing, of the denial. Any requesting offender whose request for removal is  
128 denied by the board shall wait at least twelve months from the date of the denial before  
129 filing a request for removal again.

130           17. If the sex offender classification board determines that the requesting offender  
131 is entitled to removal from the registry, it shall, within three business days, notify the  
132 Missouri state highway patrol, in writing, to remove the offender's name and information  
133 within three business days of receiving the notification, from its official law enforcement  
134 registry and its public website for sex offenders. The Missouri state highway patrol shall,  
135 within three business days of receipt of the notification from the sex offender classification  
136 board, notify all law enforcement agencies which have the offender listed on their law  
137 enforcement registry or public website to remove the offender's name and information  
138 within three business days of their notification from the Missouri state highway patrol.

139 **The sex offender classification board shall also notify the requesting offender, in writing,**  
140 **of its decision to grant the request for removal.**

141 **18. Any offender whose request for removal under the provisions of this section is**  
142 **granted by the sex offender classification board shall not be required to register or report**  
143 **under sections 589.400 to 589.425 unless such offender is required to register or report for**  
144 **an offense that was committed after the sex offender classification board granted the**  
145 **request for removal.**

589.410. The chief law enforcement official shall forward the completed offender  
2 registration form **along with a completed classification form provided to such official by the**  
3 **department of corrections under section 2 of this act** to the Missouri state highway patrol  
4 within three **business** days. The patrol shall enter the information into the Missouri uniform law  
5 enforcement system (MULES) where it is available to members of the criminal justice system,  
6 and other entities as provided by law, upon inquiry.

589.414. 1. Any person required by sections 589.400 to 589.425 to register shall, not  
2 later than [three] **five** business days [after each change of name, residence within the county or  
3 city not within a county at which the offender is registered, employment, or student status,]  
4 appear in person to the chief law enforcement officer of the county or city not within a county  
5 [and inform such officer of all changes in the information required by the offender. The chief  
6 law enforcement officer shall immediately forward the registrant changes to the Missouri state  
7 highway patrol within three business days] **if there is a change to any of the following**  
8 **information:**

9 **(1) Name;**

10 **(2) Residence;**

11 **(3) Employment;**

12 **(4) Student status; or**

13 **(5) A termination to any of the items listed in this subsection.**

14 **2. Any person required to register under sections 589.400 to 589.425 shall, within**  
15 **five business days after a change, notify the chief law enforcement officer of the county or**  
16 **city not within a county of any changes to the following information:**

17 **(1) Vehicle information;**

18 **(2) Temporary residence information; or**

19 **(3) Email addresses, instant messaging addresses, and any other designations used**  
20 **in internet communications, postings, or telephone communications.**

21 **3. The chief law enforcement official in the county or city not within a county shall**  
22 **immediately forward the registration changes described in subsections 1 and 2 of this**  
23 **section to the Missouri state highway patrol within three business days.**

24 [2.] 4. If any person required by sections 589.400 to 589.425 to register changes such  
25 person's residence or address to a different county or city not within a county, the person shall  
26 appear in person and shall inform both the chief law enforcement official with whom the person  
27 last registered and the chief law enforcement official of the county or city not within a county  
28 having jurisdiction over the new residence or address in writing within three business days of  
29 such new address and phone number, if the phone number is also changed. If any person  
30 required by sections 589.400 to 589.425 to register changes their state, **or foreign country, or**  
31 **federal, tribal, or military jurisdiction** of residence, the person shall appear in person and shall  
32 inform both the chief law enforcement official with whom the person was last registered and the  
33 chief law enforcement official of the area in the new state, **or foreign country, or federal,**  
34 **tribal, or military jurisdiction** having jurisdiction over the new residence or address within  
35 three business days of such new address. Whenever a registrant changes residence, the chief law  
36 enforcement official of the county or city not within a county where the person was previously  
37 registered shall inform the Missouri state highway patrol of the change within three business  
38 days. When the registrant is changing the residence to a new state **or foreign country, or**  
39 **federal, tribal, or military jurisdiction**, the Missouri state highway patrol shall inform the  
40 responsible official in the new state, **or foreign country, or federal, tribal, or military**  
41 **jurisdiction** of residence within three business days.

42 [3.] 5. **Level I offenders**, in addition to the requirements of subsections 1 [and 2] **to 4**  
43 of this section, [the following offenders] shall report in person to the chief law enforcement  
44 [agency every ninety days] **official annually in the month of their birth** to verify the  
45 information contained in their statement made pursuant to section 589.407[:

46 (1) Any offender registered as a predatory or persistent sexual offender under the  
47 definitions found in section 558.018;

48 (2) Any offender who is registered for a crime where the victim was less than eighteen  
49 years of age at the time of the offense; and

50 (3) Any offender who has pled guilty or been found guilty pursuant to section 589.425  
51 of failing to register or submitting false information when registering].

52 [4.] 6. **Level II offenders** in addition to the requirements of subsections 1 [and 2] **to 4**  
53 of this section, [all registrants] shall report semiannually in person in the month of their birth  
54 [and six months thereafter] to the chief law enforcement [agency] **official** to verify the  
55 information contained in their statement made pursuant to section 589.407 **and six months**  
56 **thereafter shall report by mail, on a form to be provided by the Missouri state highway**  
57 **patrol, to update any change in information or to indicate that there has been no change.**  
58 **Such form shall require the signature of the offender.** [All registrants shall allow the chief

59 law enforcement officer to take a current photograph of the offender in the month of his or her  
60 birth to the chief law enforcement agency.]

61 **7. Temporary Level III offenders, Final Level III offenders and Level IV offenders,**  
62 **in addition to the requirements of subsections 1 to 4 of this section, shall report**  
63 **semiannually in person, in the month of their birth and six months thereafter, to the chief**  
64 **law enforcement official to verify the information contained in their statement made under**  
65 **section 589.407. In addition such offenders shall report by mail, on a form to be provided**  
66 **by the Missouri state highway patrol, to update any change in information or to indicate**  
67 **that there has been no change, ninety days after each in-person report. Such form shall**  
68 **require the signature of the offender.**

69 [5.] **8. In addition to the requirements of subsections 1 [and 2] to 4 of this section, all**  
70 **Missouri registrants who work, including as a volunteer or unpaid intern, or attend any school**  
71 **[or training] , whether public or private in nature, including any secondary school, trade**  
72 **school, professional school, or institution of higher education on a full-time or part-time basis**  
73 **[in any other state] or have a temporary residence in Missouri shall be required to report in**  
74 **person to the chief law enforcement officer in the area of the state where they work or attend**  
75 **school or training and register in that state. "Part-time" in this subsection means for more than**  
76 **seven days in any twelve-month period.**

77 **9. Whenever any person reports under the provisions of this section, in person and**  
78 **in the month of their birth, the registering law enforcement official shall take a current**  
79 **photograph of the offender.**

80 [6.] **10. If a person, who is required to register as a sexual offender under sections**  
81 **589.400 to 589.425, changes or obtains a new online identifier as defined in section 43.651, the**  
82 **person shall report such information in the same manner as a change of residence before using**  
83 **such online identifier.**

**Section 1. 1. The department of mental health, in accordance with the provisions**  
2 **of sections 589.400 to 589.425, and in cooperation with the department of corrections shall,**  
3 **prior to January 1, 2013, determine the amount of the risk assessment fee which shall be**  
4 **required of any Temporary Level III sex offender who files a request for classification**  
5 **form with the sex offender classification board created in section 4 of this act. The fee shall**  
6 **be in an amount adequate to cover the cost of a sex offender risk assessment, including a**  
7 **successfully completed sex offender risk assessment report which is required by the sex**  
8 **offender classification board to evaluate and finally classify Temporary Level III offenders.**  
9 **The department shall notify the department of corrections and the sex offender**  
10 **classification board of the amount of the fee.**



11           **2. The department shall, prior to January 1, 2013, develop a list of mental health**  
12 **professionals, as defined in section 632.005, who are both qualified under the provisions**  
13 **of subsection 3 of this section and willing to conduct risk assessments on sex offenders**  
14 **referred to them by the sex offender classification board for a fee equal to the risk**  
15 **assessment fee set by the department under the provisions of subsection 1 of this section**  
16 **and within the time limits established by the sex offender classification board. The list**  
17 **shall be called the mental health providers list and shall, if possible, contain mental health**  
18 **professionals in every county in the state. The list shall include the address and telephone**  
19 **number of each provider on the list. The department shall, prior to January 1, 2013,**  
20 **provide this list to the department of corrections and the sex offender classification board.**  
21 **The department, in consultation with the sex offender classification board, shall review the**  
22 **mental health providers list on an annual basis to make any required changes, deletions,**  
23 **or additions and shall provide any updated list in a timely fashion to the department of**  
24 **corrections and the sex offender classification board.**

25           **3. The department of mental health shall determine the qualifications necessary for**  
26 **a mental health professional to be included on the mental health providers list, but at a**  
27 **minimum the qualifications shall include the following:**

28           **(1) The mental health professional shall be licensed;**

29           **(2) The mental health professional shall have a minimum of two years experience**  
30 **in treating or assessing sex offenders;**

31           **(3) The mental health professional shall have training in or experience with the use**  
32 **of one or more of the sex offender risk assessment tools approved by the department under**  
33 **subsection 4 of this section; and**

34           **(4) The mental health professional shall be willing to conduct a sex offender risk**  
35 **assessment and successfully complete a sex offender risk assessment report as described**  
36 **in section 4 of this act for the fee determined by the department under subsection 1 of this**  
37 **section and within the time limits established by the sex offender classification board.**

38           **4. The department shall, prior to January 1, 2013, evaluate existing sex offender**  
39 **risk assessment tools and approve one or more of such tools for use by the mental health**  
40 **providers in conducting the assessments and completing the sex offender risk assessment**  
41 **reports described in subsection 5 of this section. The department shall, prior to January**  
42 **1, 2013, provide the approved tools, in any manner it chooses, to the sex offender**  
43 **classification board and to each mental health professional on the mental health providers**  
44 **list.**

45           **5. The department shall review the usefulness and accuracy of the approved tools**  
46 **on an annual basis and may, during any such review, change which tools are approved for**

47 use. If the department makes a change, it shall immediately provide the new approved  
48 tools, in any manner it chooses, to the sex offender classification board and to each mental  
49 health professional on the mental health providers list.

50 6. The department shall, prior to January 1, 2013, consult with the sex offender  
51 classification board in determining the necessary requirements for a successfully completed  
52 sex offender risk assessment report.

Section 2. 1. The department of corrections, in accordance with the provisions of  
2 sections 589.400 to 589.425, shall, prior to January 1, 2013, develop a classification form  
3 to be used by any chief law enforcement official with whom any sex offender registers. The  
4 department shall, prior to January 1, 2013, provide the classification form, in any manner  
5 it chooses, to the Missouri state highway patrol, the sex offender classification board, and  
6 all registering law enforcement officials. The contents of the classification form shall be  
7 determined by the department but at a minimum shall include the following:

8 (1) A place for the registering law enforcement official to designate the offender as  
9 a Level IV offender or a Temporary Level III offender;

10 (2) A place for the registering law enforcement official's signature and date;

11 (3) A place for the offender to sign and date the form signifying that he or she has  
12 received a copy of the form;

13 (4) The reporting requirements for Level IV offenders;

14 (5) The reporting requirements for Temporary Level III offenders;

15 (6) Notification to Temporary Level III offenders of their right to request final  
16 classification by the sex offender classification board if they do not believe they should be  
17 classified as a Level III offender, and the procedure for making such request.

18 2. In accordance with the provisions of the sections 589.400 to 589.425, the  
19 department shall, prior to January 1, 2013, develop a request for final classification form  
20 to be used by any Temporary Level III offender who wishes to have a final classification  
21 determination made by the sex offender classification board. The department shall, prior  
22 to January 1, 2013, provide the request for final classification form, in any manner it  
23 chooses, to the Missouri state highway patrol, the sex offender classification board, and all  
24 registering law enforcement officials. The contents of this form shall be determined by the  
25 department but at a minimum shall include a notice which informs the offender of the time  
26 limit for filing the request, the amount of the risk assessment fee, and instructions as to  
27 how to file the request.

28 3. The department shall, prior to January 1, 2013, cooperate with the department  
29 of mental health in determining the amount of the risk assessment fee.

**Section 3. 1. There is hereby created in the state treasury the "Sex Offender Classification Fund", which shall consist of risk assessment fees collected by the sex offender classification board under sections 589.400 to 589.425. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, money in the fund shall be used to pay mental health providers for successfully completing and delivering within the specified time limits sex offender risk assessment reports to the sex offender classification board. The sex offender classification board shall administer the fund.**

**2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.**

**3. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund and may be used by the sex offender classification board to defray the expenses and administrative costs of the board.**

**Section 4. 1. There is hereby created within the department of corrections a "Sex Offender Classification Board" whose primary duty shall be to evaluate and classify sex offenders who are required to register under the provisions of sections 589.400 to 589.425.**

**2. The sex offender classification board shall consist of five members, of which three shall be appointed by the governor. Such members shall be a criminal defense attorney, a prosecuting attorney, and a licensed mental health professional who has demonstrated expertise in the treatment and assessment of sex offenders. The director of the department of mental health, or the director's designee, and the director of the department of corrections, or the director's designee, shall also be members of the board and the director of the department of corrections, or the director's designee, shall serve as chair of the board.**

**3. Members of the sex offender classification board shall serve a term of four years; except that, members first appointed to the board shall have staggered terms of two, three, and four years and shall serve until their successor is duly appointed.**

**4. Members of the sex offender classification board shall serve without compensation; except that, members shall be reimbursed for their actual and necessary expenses required for the discharge of their duties.**

**5. The department of corrections shall provide staff support for the sex offender classification board.**

20           **6. The sex offender classification board shall meet as often as necessary to carry out**  
21 **its duties but at a minimum shall meet twice a month for the first two years and once a**  
22 **month thereafter.**

23           **7. The sex offender classification board shall promulgate any rules or regulations**  
24 **necessary to accomplish its purpose of evaluating and classifying sex offenders. Any rule**  
25 **or portion of a rule, as that term is defined in section 536.010, that is created under the**  
26 **authority delegated in this section shall become effective only if it complies with and is**  
27 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**  
28 **section and chapter 536 are nonseverable and if any of the powers vested with the general**  
29 **assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove**  
30 **and annul a rule are subsequently held unconstitutional, then the grant of rulemaking**  
31 **authority and any rule proposed or adopted after August 28, 2012, shall be invalid and**  
32 **void.**

33           **8. The sex offender classification board shall deposit any money it receives in the**  
34 **form of risk assessment fees into the sex offender classification fund created in section 3**  
35 **of this act, which it shall administer. The board shall use the money in this fund to pay**  
36 **mental health providers for successfully completed sex offender evaluation reports and, to**  
37 **the extent there are any funds remaining after payment of the mental health providers,**  
38 **shall use such remaining funds to defray the administrative costs and expenses of the**  
39 **board.**

40           **9. The sex offender classification board shall evaluate and classify any Temporary**  
41 **Level III offender who requests final classification and pays the risk assessment fee within**  
42 **the thirty-day time period as a Level I offender, a Level II offender, or a Final Level III**  
43 **offender. A Level I offender is an offender who presents a low risk of reoffense. A Level**  
44 **II offender is an offender who presents a moderate risk of reoffense. A Final Level III**  
45 **offender is an offender who presents a high risk of reoffense.**

46           **10. As part of its evaluation process the sex offender classification board shall refer**  
47 **the requesting offender to a mental health provider from a list of mental health providers**  
48 **provided to the board by the department of mental health. Whenever possible, the board**  
49 **shall refer an offender to the mental health provider who is closest in proximity to the**  
50 **residence of the offender. The board shall make the referral within three business days of**  
51 **receipt of the offenders request and risk assessment fee if the request was made and the fee**  
52 **paid within the thirty-day time limit. The board shall also notify the offender of the name,**  
53 **address, and phone number of the mental health provider to whom his or her case was**  
54 **referred and of his or her duty to contact that provider within five business days of the**  
55 **date the referral was made to make an appointment in order to be assessed. At the time**

56 of referral, the board shall also notify both the mental health provider and the offender of  
57 the time requirements for successful completion of a sex offender risk assessment report.  
58 The board shall require that the mental health provider deliver a successfully completed  
59 sex offender risk assessment report to the board within sixty days of the date of referral.

60       11. As used in this section, a "successfully completed sex offender risk assessment  
61 report" is a report which contains all the requirements described in subsection 12 of this  
62 section and which is filed with the sex offender classification board within sixty days of the  
63 date of referral.

64       12. The sex offender classification board shall, in consultation with the department  
65 of mental health, determine the necessary requirements for a successfully completed sex  
66 offender risk assessment report but at a minimum the board shall require that:

67       (1) The mental health provider conduct an in-person interview with the offender  
68 and provide a summary of that interview in his or her report;

69       (2) The mental health provider use one of the risk assessment screening tools  
70 approved by the department of mental health and include its outcome in the report; and

71       (3) The mental health provider make a determination as to whether the offender  
72 presents a low, moderate, or high risk of reoffense and include that determination in his  
73 or her report.

74       13. The sex offender classification board shall require that the mental health  
75 provider conduct the assessment, complete the report, and deliver the report to the board  
76 within sixty days of the date of the referral. No mental health provider shall be paid for  
77 a sex offender referral by the board unless he or she delivers a successfully completed sex  
78 offender risk assessment report to the board within sixty days of the date of referral or  
79 within the thirty-day extension period if one is granted by the board under the provisions  
80 of subsection 15 of this section.

81       14. Any mental health provider who has an offender referred to him or her for  
82 assessment and who successfully completes the sex offender risk assessment report and  
83 delivers it to the sex offender classification board within the sixty-day time limit prescribed  
84 in subsection 10 of this section or within an extension period granted by the board shall be  
85 paid by the sex offender classification board an amount equal to the final classification fee.  
86 The board shall pay the fee to the provider within five business days of receipt of the  
87 report.

88       15. In the event the sex offender classification board has referred an offender to a  
89 mental health provider and fails to receive a successfully completed sex offender risk  
90 assessment report within the sixty-day time period, the board shall contact the provider  
91 to determine if the failure was the fault of the offender or the provider. If the board

determines it was the fault of the offender, the board shall automatically classify the offender as a Final Level III offender and shall within three business days notify the Missouri state highway patrol, the registering law enforcement official, and the offender of the classification. The board shall also notify the offender of the reporting requirements for that classification level. If the board determines that it was the fault of the provider, the board may either grant a thirty-day extension to the provider, for good cause shown, to complete the report, or may reassign the referral to another provider and notify the offender of his or her obligation to contact the new provider within five days of the new referral date.

16. If a Temporary Level III offender fails to file a request for final classification form or fails to pay the risk assessment fee within the thirty-day time limit, the board shall, within three days of the expiration of that time period, automatically classify such offender as a Final Level III offender and provide a copy of that classification to the Missouri state highway patrol, the registering law enforcement official, and the offender. The board shall also notify the offender of the reporting requirements for that classification level.

17. Upon receipt of a successfully completed sex offender risk assessment report from a provider, the sex offender classification board shall, within thirty business days, evaluate and classify the offender as either a Level I, Level II, or Final Level III offender. The board shall provide a copy of such classification to the Missouri state highway patrol, the registering law enforcement official, and the offender. The board shall also notify the offender of the reporting requirements for such classification level.

18. In making its evaluation, the sex offender classification board shall, at a minimum, consider the following:

- (1) The nature of the offenses for which the offender is required to register;
- (2) The age of the victim at the time of the offense;
- (3) The age of the offender at the time of the offense;
- (4) Whether a weapon was used in the commission of the offense;
- (5) Whether force or the threat of the use of force was involved in the commission of the offense;
- (6) Whether the victim was threatened not to tell about the offense;
- (7) The sex offender risk assessment report;
- (8) The seriousness of the offense should the offender reoffend. This factor includes consideration of the following:
  - (a) The degree of potential force or harm;
  - (b) The degree of physical contact; and
  - (c) The age of the potential victim;

- 128           **(9) The offender's prior offense history. This factor includes consideration of the**  
129 **following:**
- 130           **(a) The relationship of prior victims to the offender;**
  - 131           **(b) The number of prior sexual offenses or victims;**
  - 132           **(c) The number of prior noncontact sexual offenses;**
  - 133           **(d) The number of prior nonsexual violent offenses;**
  - 134           **(e) The number of prior sentencing dates;**
  - 135           **(f) The duration of the offender's prior offense history;**
  - 136           **(g) The length of time since the offender's last prior offense while the offender was**  
137 **at risk to commit offenses; and**
  - 138           **(h) The offender's prior history of other antisocial acts;**
- 139           **(10) The offender's characteristics. Such factor includes consideration of the**  
140 **following:**
- 141           **(a) The offenders response to prior treatment efforts; and**
  - 142           **(b) The offender's history of substance abuse;**
- 143           **(11) The availability of community supports to the offender. Such factor includes**  
144 **consideration of the following:**
- 145           **(a) The availability and likelihood that the offender will be involved in therapeutic**  
146 **treatment;**
  - 147           **(b) The availability of residential supports to the offender, such as a stable and**  
148 **supervised living arrangement in an appropriate location;**
  - 149           **(c) The offender's familial and social relationships, including the nature and length**  
150 **of such relationships and the level of support that the offender may receive from such**  
151 **persons; and**
  - 152           **(d) The offender's lack of education or employment stability;**
- 153           **(12) Whether the offender has indicated or credible evidence in the record indicates**  
154 **that the offender will reoffend if released into the community;**
- 155           **(13) Whether the offender had any unrelated victims;**
  - 156           **(14) Whether the offender had any stranger victims;**
  - 157           **(15) Whether the offender had any male victims;**
  - 158           **(16) The current age of the offender;**
  - 159           **(17) Whether the offender has ever lived with another person in a romantic**  
160 **relationship for at least two years; and**
  - 161           **(18) Whether the offender demonstrates a physical condition that minimizes the**  
162 **risk of reoffense, including but not limited to, advanced age or a debilitating illness or**  
163 **physical condition.**

164           **19. The sex offender classification board shall have access to all applicable records**  
165 **concerning the petitioner, including but not limited to, criminal history records, mental**  
166 **health records, juvenile records, court records, health records and records of the**  
167 **department of corrections and probation and parole.**

168           **20. Prior to April 1, 2013, the sex offender classification board shall review the list**  
169 **of sex offenders who were placed on the registration list prior to the effective date of this**  
170 **section and shall do the following:**

171           **(1) If any of those offenders are found to be exempt from registration under the**  
172 **provisions of subsection 6, 8, or 10 of section 589.400, the board shall, within three business**  
173 **days of making that determination, notify the Missouri state highway patrol and the**  
174 **registering law enforcement official to remove such offender's name and information from**  
175 **the law enforcement registries and any public websites for that offense and shall notify the**  
176 **offender that he or she no longer has a duty to register or report for that particular offense.**  
177 **If the offender has other offenses for which he or she is required to report that are not**  
178 **exempt under the provisions of subsection 6, 8, or 10 of section 589.400, the offender's**  
179 **name and information shall remain on the law enforcement registries and public websites,**  
180 **if applicable, for those offenses;**

181           **(2) Automatically classify as a Level IV offender any offender not removed under**  
182 **subdivision (1) of this subsection who is on the registration list for offenses which would**  
183 **make the offender a Level IV offender according to the provisions of section 589.401, and**  
184 **shall, within three business days of classification, notify the Missouri state highway patrol,**  
185 **the registering law enforcement official, and the offender of his or her classification level.**  
186 **The board shall also notify the offender of the reporting requirements for that**  
187 **classification level; and**

188           **(3) Automatically classify as a Temporary Level III offender any offender not**  
189 **removed from the list under subdivision (1) of this subsection or classified as a Level IV**  
190 **offender under subdivision (2) of this subsection and shall, within three business days of**  
191 **such classification, notify the Missouri state highway patrol, the registering law**  
192 **enforcement official, and the offender of his or her classification level. The board shall also**  
193 **notify the offender of the reporting requirements for such classification level and of his or**  
194 **her right to request final classification and shall provide the offender with a request for**  
195 **final classification form, the amount of the risk assessment fee, instructions as to how to**  
196 **make the request, and the time limits for such request.**

197           **21. The sex offender classification board shall classify any offender who was**  
198 **classified by the board under subsection 20 of this section as a Temporary Level III**



offender in the same manner as it classifies other Temporary Level III offenders under the provisions of subsections 9 to 19 of this section.

22. The sex offender classification board shall accept and determine any request filed with it under the provisions of section 589.409, for removal of an offender's name and information from the registry. The board shall also accept any risk assessment fees filed along with the request for removal and shall handle such fees in the same manner as risk assessment fees filed along with requests for final classification.

23. If the requesting offender is a Level I, Level II, or Final Level III offender on whom the board has in the past received a successfully completed sex offender risk assessment report, the board shall, within ninety business days of the request for removal, evaluate the request and make a determination whether to grant or deny the request in accordance with the provisions of section 589.409.

24. If the requesting offender is a Final Level III or Level IV offender on whom the board has never received a successfully completed sex offender risk assessment report, and who has submitted the risk assessment fee along with his or her request for removal, the board shall, refer the offender to a mental health provider from a list of mental health providers provided to the board by the department of mental health. Whenever possible, the board shall refer an offender to the mental health provider who is closest in proximity to the residence of the offender. The board shall make the referral within three business days of receipt of the offender's request for removal and risk assessment fee. The board shall also notify the offender of the name, address, and phone number of the mental health provider to whom his or her case was referred and of his or her duty to contact that provider within five business days of the date the referral was made to make an appointment in order to be assessed. At the time of the referral, the board shall also notify both the mental health provider and the offender of the time requirements for successful completion of a sex offender risk assessment report. The board shall require that the mental health provider deliver a successfully completed sex offender risk assessment report, as defined in subsection 11 of this section, to the board within sixty days of the date of referral.

25. The requirements for a successfully completed sex offender risk assessment report shall be the same as those required under the provisions of this section for offenders requesting final classification.

26. Any mental health provider who has an offender referred to him or her for assessment under the provisions of subsection 24 of this section, and who successfully completes the sex offender risk assessment report and delivers it to the sex offender classification board within the sixty-day time limit prescribed in subsection 24 of this

section or within an extension period granted by the board, shall be paid by the sex offender classification board an amount equal to the risk assessment fee. The board shall pay the fee to the provider within five business days of the receipt of the report.

27. In the event the sex offender classification board has referred an offender to a mental health provider under the provisions of subsection 24 of this section and fails to receive a successfully completed sex offender risk assessment report within the sixty-day time period, the board shall contact the provider to determine if the failure was the fault of the offender or the provider. If the board determines it was the fault of the offender, the board shall automatically deny the request for removal in accordance with the provisions of section 589.409 and shall notify the requesting offender of the denial. If the board determines that it was the fault of the provider, the board may either grant a thirty-day extension to the provider, for good cause shown, to complete the report, or may reassign the referral to another provider and notify the offender of his or her obligation to contact the new provider within five business days of the new referral date.

28. Upon receipt of a successfully completed sex offender risk assessment report from a provider, the sex offender classification board shall, within thirty business days, evaluate the request and make a determination whether to grant or deny the request in accordance with the provisions of section 589.409.

29. Beginning in January 2014 and each January thereafter, the sex offender classification board shall submit an annual report to the speaker of the house of representatives and the president pro tem of the senate which summarizes the board's activities for the previous year.

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